

Again, it occurs to me that this is just something that ought to be withdrawn. I hope the Senator in his efforts and those of us who are supporting that effort will succeed. This is a perfect example of a big-government solution to a problem that doesn't exist.

With that, Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. REED). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS APPOINTMENTS

Mr. LEE. Mr. President, on January 4, 2012, President Obama bypassed the Senate's constitutional right to advise and consent to nominees and, instead, unilaterally made appointments to the Consumer Financial Protection Bureau and to the National Labor Relations Board. He purported to do so under the Constitution's recess appointments clause, even though at the time of the appointments the Senate was holding pro forma sessions roughly every 72 hours.

If allowed to stand, President Obama's unprecedented and unconstitutional recess appointments could result in Presidents of both parties routinely circumventing the Senate's advice-and-consent function and thus depriving the people and the people's representatives of an essential check on the executive branch.

President Obama's actions also violate the Constitution's fundamental system of separation of powers. He has asserted the unilateral power to override Congress's own determination of when it is in session and when it is in recess. At an absolute minimum, the Senate's institutional prerogatives demand that we be allowed to make our own rules. Yet President Obama's actions would deprive our body of even that basic right.

In the past, I have given pretty broad deference to the President's judicial nominees. Both in the Judiciary Committee and on the floor of the Senate, I have voted in favor of the vast majority of President Obama's nominees, including many with whom I have fundamental disagreements on various points.

But I can do so no more. The Founders expected that each branch of the Federal Government would exercise the necessary constitutional means to resist any encroachments by the other branches. Among those constitutional means is the Senate's advice-and-consent function, which I exercised today by voting against a nominee who otherwise might have received my support. Thirty-three other Senators did exactly the same.

The President cannot expect the Senate's full cooperation at the same time

he does violence to this body's constitutional prerogatives. The threshold for confirming President Obama's nominees must change accordingly. Simply put, there is a new standard for confirmations as a result of the President's own actions. I find this unfortunate but ultimately necessary.

Both today and in the coming days, I will join with other Senators to act as a check and a balance on the President's unconstitutional conduct by voting against some nominees. I expect that many of my Republican colleagues, and in time some of our Democratic counterparts, will rise in defense of the Constitution and vote against President Obama's nominees until such time as he takes actions to restore the Senate's full constitutional right to advise and consent to his nominations.

THE STIMULUS PACKAGE

Mr. LEE. Mr. President, I now choose to turn to another topic—a topic that is important to many Americans, a topic that relates to an important anniversary we are recognizing.

Today, we are highlighting the third anniversary of President Obama's failed stimulus package.

The President promised 3 years ago that the stimulus would create what he characterized as millions of jobs. But today, unfortunately, devastatingly, there are nearly 13 million people in America who are still unemployed and many millions more have even given up on looking for jobs.

Three years ago, the White House said that because of the stimulus package, unemployment would not exceed 8 percent. That has not happened. In fact, the unemployment rate has topped 8 percent for 36 straight months now—the longest stretch of high unemployment since the Great Depression. The Congressional Budget Office predicts it is going to go even longer. We will not see sub-8 percent unemployment, according to the CBO, until 2014.

The President sold his stimulus package to the American people by claiming he would make immediate investments in what he characterized as “shovel-ready” jobs. But last June, the President acknowledged that “shovel-ready was not as shovel-ready as we expected.” Nevertheless, a lot of money has been spent, as we have been waiting for these jobs to materialize—jobs that never quite came about.

In fact, some of it was spent in ways that have nothing to do with stimulating the economy. For example, consider some of the ways in which this stimulus money has been spent. Mr. President, \$760,000 was spent on interactive dance software; \$1.2 million was spent on a train museum; \$2 million was spent to study ant behavior; \$762,000 was spent to study improvised music—I am not sure what that is, but I am sure it is lovely, not necessarily deserving of scarce Federal resources—\$300,000 to track weather on other planets—great if one lives on another plan-

et, not so great if one lives on Earth in a country that has accumulated an unprecedented debt exceeding \$15 trillion—\$153,000 for an indoor water park; and \$712,000 to develop a “machine-generated humor” system—in other words, a joke machine.

This big joke is on the American taxpayer. Unfortunately, it is no laughing matter.

In the last 3 years, we have added more than \$4 trillion to the national debt, we have recorded the three largest annual deficits in our Nation's history, and we are on pace for a fourth straight deficit exceeding \$1 trillion.

This week, the President submitted a budget that calls for adding \$11 trillion in new debt over the next decade. His own Treasury Secretary calls the level of spending unsustainable, and it is.

Despite the overwhelming evidence that his stimulus package has failed, the President has called for additional increases in spending.

I know the President is a good man. I also know he faced a difficult economy when he took office. But the President is unwilling to tell the truth to the American people about what lies ahead, about some of the challenges we face. I think he needs to do so, and he needs to acknowledge the fact that this stimulus package has failed so we can avoid making similar mistakes in the future.

Today we cannot celebrate the anniversary of the President's stimulus. Rather, we must lament a tremendous lost opportunity by this administration to put this country back on the right track over these last 3 years.

For the sake of future generations, I hope it is not too late to change course.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that I be permitted to finish my speech regardless of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELIGIOUS LIBERTY

Mr. HATCH. Mr. President, earlier today, we were treated to some very partisan remarks from one of my colleagues on the preventive services mandate. That is the legal term. Here is what the mandate is in practice.

It is a mandate that will require religious individuals and institutions to purchase abortion-inducing drugs for their employees. It will require that they purchase insurance coverage that provides for sterilizations and the morning-after pill. In doing so, it will require that they violate their most